IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 118 OF 2006

Mr. Balkrishna R. Yerunkar .. Petitioner.

vs.

M/s. Cambata Aviation

Pvt. Ltd., .. Respondents.

Mr. Vinay Menon for petitioner.

Mr. K.S. Bapat for respondents.

CORAM : S.U. KAMDAR, J.

DATE : 6th March, 2006.

P.C.:

. The present petition challenges the award passed by the Labour Court dated 9.4.2001. The petition is totally stale and belated. There is substantial delay in filing of the petition because the petition is only filed on 28.12.2005. The delay is of almost four years. The explanation given that the union leader was looking after the matter and he was sick and in 2003 applied for certified copy of the award. Firstly it is not possible to accept the aforesaid explanation that because the union leader was sick, the petitioner could not avail of his

remedy of challenging the award of the Industrial Court. Secondly, even if the union leader was sick, in 2003 an appellation was made for certified copy by the petitioner and thus he was aware of the passing of the award in 2003 itself. After almost two yeas thereafter the present writ petition is filed. In that light of the matter, writ petition dismissed. No order as to costs.